

Belgiovane, Pauline

From: UPS Quantum View <pkginfo@ups.com>
Sent: Friday, May 11, 2018 10:08 AM
To: Belgiovane, Pauline
Subject: UPS Delivery Notification, Tracking Number 1ZA43F71A292357818



Your package has been delivered.

Delivery Date: Friday, 05/11/2018

Delivery Time: 10:01 AM



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At the request of US EPA this notice alerts you that the status of the shipment listed below has changed.

Shipment Detail

Tracking Number:	<u>1ZA43F71A292357818</u>
Ship To:	Dingo LLC 10641 S PINEY ISLAND DR BISHOPVILLE, MD 21813 US
UPS Service:	UPS NEXT DAY AIR
Number of Packages:	1
Package Weight:	0.0 LBS
Delivery Location:	RESIDENTIAL
Signed by:	JURIST
Signature Required:	Adult must be at least 21 years of age

Reference Number 1:

DRL 118-018

Reference Number 2:

Sharks Cove Marina



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via UPS

Mr. Mark Jurist
Dingo LLC
10641 Piney Island Drive
Bishopville, MD 21813

MAY 10 2018

RE: Request for information pursuant to Section 9005 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6991d, regarding the Underground Storage Tank systems (UST systems) located at the following facility: Sharks Cove Marina, 57 Madison Avenue, Fenwick Island, DE 19944 (5000391)

REFERENCE NUMBER: I18-018

Dear Mr. Jurist:

Subtitle I of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6991 et seq. (RCRA) and regulations promulgated pursuant thereto at 40 C.F.R. Part 280, regulate underground storage tanks (USTs) used to contain regulated substances including, but not limited to, petroleum products (e.g., gasoline and crude oil). In order to conduct a study, take any corrective action or enforce the provisions of Subtitle I, Section 9005(a) of RCRA, 42 U.S.C. 6991d(a), authorizes the U.S. Environmental Protection Agency, (EPA) among other things, to require owners and/or operators of USTs to furnish information relating to such tanks, their associated equipment, and their contents.

As a follow up to your response to EPA's Information Request Letter I18-007 and as an owner and/or operator of the UST Systems at the Facility, and owner and/or operator of the Facility itself, you are required to submit the following information within 14 calendar days:

1. In response to the questions regarding the owner ("owner" is defined at Delaware Regulations Governing Underground Storage Tank Systems (DRGUSTS) Part A Section 2) of the USTs at the Facility, you stated Dingo LLC was the owner and provided a PO Box mailing address. To the extent possible, please provide a street address for sending correspondence via United Parcel Service (UPS).
2. In Information Request I18-007, EPA requested information regarding the tank release detection. In response, you provided copies of inventory control records for May through September for 2015, 2016 and 2017. DRGUST Part B 1.08 states in part:

"All new underground storage tanks must be provided with a means of monitoring for any release at the time of installation. The monitoring system shall consist of:

- (1) Inventory control procedures and record keeping as described in in Part A: §8.02 and
- (2) One or more of the following:

- (a) Interstitial Monitoring...
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- (c) Observation Tubes...
- (d) Tank Tightness Test Requirements...
- (e) Monitoring Wells...
- (f) Vadose Zone Vapor Detection Tubes...
- (g) U-Tubes...

It appears that the Facility is not performing tank release detection as required by DRGUST. Further, tank release detection is required unless the UST is empty. DRGUST Part B 3.01A states "The UST system is empty when all materials have been removed using commonly employed practices so that no more than one inch or 2.5 centimeters of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system." At the end of the facility's operating season (September) there has consistently been more than one (1) inch of product in the UST; thereby continuing the tank release detection requirement.

- a. If you have any information or records to demonstrate that the Facility performed tank release detection pursuant to DRGUST from 2015 through the present (for all months), provide such information.
3. In Information Request I18-007, EPA requested copies of line tightness testing (LTT) and line leak detector (LLD) testing from January 2013 through the present. In response, you provided LTT/LLD testing records dated June 9, 2014 and March 8, 2018. DRGUST require LTT and LLD testing annually at DRGUST Part B 1.07. It appears that the Facility failed to perform line tightness testing and line leak detector testing from June 9, 2015 through March 8, 2018.
- a. State yes or no, has LTT testing been performed on the product piping at the Facility from June 9, 2014 through March 8, 2018?
 - b. If yes, provide copies of any and all LTT testing performed at any time(s) between June 9, 2014 and March 8, 2018.
 - c. State yes or no, has LLD testing been performed on the product piping at the Facility from June 9, 2014 through March 8, 2018?
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4. DRGUSTS Part F requires owners and operators maintain financial responsibility on underground storage tanks. In response to the question in Information Request I18-007 regarding financial responsibility, you stated "yes" but there was no copy of an UST financial responsibility insurance policy enclosed.
- a. State yes or no, has there been a method of financial responsibility on the UST located at the facility pursuant to DRGUSTS Part F from January 2013 through the present?
 - b. If yes, provide a copy of the insurance certificates and any enclosures.
 - c. If no, explain.

All information required by this letter must be submitted to this office to the attention of Marie Owens Powell, Compliance/Enforcement Officer, RCRA Underground Storage Tank



Branch, 3LC31, 1650 Arch Street, Philadelphia, PA 19103 no later than **14 calendar days** from the date of your receipt of this letter. You must also include with the information submitted the following signed and dated certification:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature _____
Name _____
Title _____

As used herein, the term documents means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono records, magnetic voice, or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer disks, computer printouts, or other data compilations from which information can be obtained or translated.

With regards to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the Information for Small Businesses Information Sheet, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made determination as to whether you (or your company) are covered by the SBREFA.

Failure to provide this information in the manner requested herein and/or within the specified time may result in the commencement of an enforcement action by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. 6991e.

This collection of information requirement is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501-3520.

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information in the manner described in volume 40 of the Code of Federal Regulations (C.F.R.), Section 2.203(b). Information subject to the claim of business confidentiality will be made available to the public only in accordance with the procedures set



forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the information is submitted, EPA may make such information available to the public without further notice to you.

If you have any questions concerning this matter, please contact Marie Owens Powell at 215-814-3384.

Sincerely,



Carol Amend, Associate Director
Land and Chemical Division
Office of RCRA Programs

Enclosure(s)

cc: A. Rittberg (DNREC)
M. Powell (EPA)
P. Belgiovane (EPA)



UPS CampusShip: View/Print Label

1. Ensure there are no other shipping or tracking labels attached to your package. Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. Fold the printed label at the solid line below. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

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Your driver will pickup your shipment(s) as usual.

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PHILADELPHIA, PA 19103

UPS Access Point™
THE UPS STORE
1229 CHESTNUT ST
PHILADELPHIA, PA 19107

FOLD HERE

PAULINE BELGIOVANE 215-814-2096 US EPA 1650 ARCH ST PHILADELPHIA PA 19103	SHIP TO: MR. MARK JURIST DINGO LLC 10641 PINEY ISLAND DRIVE BISHOPVILLE MD 21813-1461	MD 218 9-20 	UPS NEXT DAY AIR TRACKING #: 1Z A43 F71 A2 9235 7818		BILLING: P/P ADULT SIGNATURE REQUIRED-MIN 21	Reference # 1: IRL J18-018 Reference # 2: Sharks Cove Marina CS 20.0.42 WNTNVS0 99.0A 04/2018
0.0 LBS LTR 1 OF 1						



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REGION III
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Philadelphia, Pennsylvania 19103-2029

Via UPS

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Sincerely,



Carol Amend, Associate Director
Land and Chemical Division
Office of RCRA Programs

Enclosure(s)

cc: A. Rittberg (DNREC)
M. Powell (EPA)
P. Belgiovane (EPA)





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Land and Chemical Division
Office of RCRA Programs

Enclosure(s)

cc: A. Rittberg (DNREC)
M. Powell (EPA)
P. Belgiovane (EPA)

CONCURRENCES							
SYMBOL	<	8LC31	3LC31				
SURNAME	<	POWELL	TICKENS				
DATE	<	5/10/18	5/10/18				

EPA Form 1320-1 (12-70)

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